UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/924,785	09/05/97	PRATT	R 785

LM12/0523

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ART UNIT	**PAPER NUMBER**
2756	12

DATE MAILED: 05/23/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
08/924,785	Pratt
Examiner	**Group Art Unit**
Mahmanzar Moezzi	2756

☒ Responsive to communication(s) filed on *Apr 26, 2000*

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *3* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) *1-46* is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-46* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Application/Control Number: 08/924,785

Art Unit: 2756

Claim Rejections - 35 USC § 112

1. Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For example, obtaining a software program.

Claim Objection

2. Claim 1, is objected to because of the following informality:

In line 6 "enable the remote client "is repeated twice.

Claim Rejections - 35 USC § 103

3. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

> **(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.**

4. **Claims 1-46** are rejected under 35 U.S.C. 103(a) as being unpatentable over Madison et al. Patent No. 5,887,139 in view of Czarnik et al, U.S. Patent No. 5,812,529.

As to **claim 1,** *a method comprising the steps of: obtaining a software program;*

Madison teaches, the user interface applications 32 needed for display are obtained from server device 14, (Col. 4, lines 26-27).

obtaining a downloadable unit configured to communicate with the software program for later transmission over a network to a remote client to enable the remote client to enable the remote client to enable the remote client to remotely configure the network device,

Madison teaches, the user at client devices 12 or 28 initiates operation by accessing web browser 30. The user selects a server device 14 from a menu or otherwise, and the name of the selected server 14 is displayed in the location box 58, which causes a request to be sent to the web server 44 at the server device 14. This causes the display of an HTML file on web browser 30. The user can then start the resource application 46 by clicking on an HTML link, (Col. 4, lines 32-40).

The downloadable unit comprising a communicator component for establishing a communications channel between the remote client and the software program (user interface application 32) , *an interface component for enabling a user to communicate with the downloadable unit* (Web browser 30),(Col.3, lines 37-52), *and a configuration component for managing and configuring the remote device or the software program* (Col. 4, lines 32-58) ;

However, Madison does not explicitly teach, *Compiling the software program into a binary file;* Czarnik teaches, more importantly, Java programs are "compiled" into a binary format that can be

executed on many different platforms without recompilation, (Col. 5, lines 50-53). The server provides mission choices through Java applets which provide the software necessary to define and select a mission (Col. 6, lines 46-49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Madison in view of Czarnik by including a compiled binary program because Czarnik discloses a method for managing network devices by servers (mission server) through sentries (software programs) similar to client/server configurable graphical user interface in managing network devices by Madison. One skilled in the art would have been motivated to modify Madison in view of Czarnik to be able to transmit configuration files (binary) over the network interface to remote clients.

Madison does not explicitly teach, *embedding the downloadable unit into the binary file;* Czarnik teaches, a Client need only store or be capable of looking up the URL for the mission server, (Col. 6, lines 46-50). Once a connection with the server is made, the server supplies the mission definition software to the connected Client (Col. 6, lines 54-56).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Madison in view of Czarnik by including mission definition software (embedded downloadable units) because Czarnik similarly to Madison provides a method for configuring network devices. One skilled in the art would have been motivated to modify Madison in view of

Czarnik to be able to transmit embedded software links (embedded downloadable units) such as Java Applets for configuration and monitoring of network devices from the client machine.

and loading the binary file with the embedded downloadable unit onto the network device.(Col. 6, lines 44-56)

5. As to **Claim 2,** *method of* ***claim 1,*** *wherein the step of obtaining a downloadable unit includes obtaining a Java class;*

Czarnik teaches, as noted, the mission request may be received from and the mission results may be presented to the Clients via Java Applets provided by the mission server and running on the Clients, (Col. 5, lines 42-45).

6. As to **claim 3,** *method of* ***claim 1****, wherein the step of obtaining a downloadable unit includes obtaining an ActiveX control*, Madison-Czarnik do not explicitly describe ActiveX control. *Official Notice* (see MPEP § 2144.03 Reliance on "Well Known Prior Art"*)* is taken that ActiveX control was old and well known in the Data Processing art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to include ActiveX control in the Madison-Czarnik because ActiveX controls are commonly used to add special functions, such as animation or pup-up to web pages (see Ref A, pages 15-16).

7. As to **claim 4,** *the method of* ***claim 1,*** *wherein the step of obtaining a downloadable unit includes obtaining more than one downloadable unit.*

Madison teaches, Client device 12 initially includes web browser 30 but does not include user interface applications 32, which are sent from server device 14 as they are needed, (Col.3, lines 41-44).

8. As to **claims 5**, *the method of* ***claim 4****, further comprising the step of bundling the more than one downloadable unit into a downloadable unit bundle.*

Madison teaches, (FIG.2, APPLICATIONS 1,2 and 3).

9. As to **claim 6,** *the method of* ***claim 5,*** *further comprising the step of bundling the more than one downloadable unit according to function.* Madison teaches, FIG.4 buttons 64, 66, 68, 70 and 71.

10. As to **claim 7,** *the method of* ***claim 5,*** *further comprising the step of bundling the more than one downloadable unit according to version.*

Madison-Czarnik do not explicitly describe downloadable units according to version.

Official Notice (see MPEP § 2144.03 Reliance on "Well Known Prior Art") is taken that bundling software according to version was old and well known in the Data Processing art. It would have been

obvious to one of ordinary skill in the art at the time of applicant's invention was made to include downloadable units according to their version into Madison-Czarnik system because it is commonly used to identify particular features at particular stages of software development (see Ref A, page 493).

11. As to **claim 8,** *The method of, further comprising the step of bundling sharable downloadable units into a default bundle.*

Madison teaches, there are two types of data streams. The first is referred to as Draw Data and is used to provide essentially static images such as icons and window layout as used in the Topology View and Device Management Windows FIGS.4 and 5, (Col. 4, lines 59-63).

12. As to **claims 9**, *the method of* ***claim 1****, wherein the software program includes the operating system of the network device.*

Madison teaches, The second type is referred to as GraphData and is used to provide a display that presents data such as data relating to a dynamic parameter relating to the operation of a device being controlled or data in a database, as shown in FIGS. 6 and 7.

13. As to **claim 10**, *the method of* ***claim 9,*** *wherein the network device includes a router.*

Czarnik teaches, as mentioned above, the sentries run on preexisting network entities that perform network functions (such as router, bridge, host, etc.) Which are independent from the sentry.

14. As to **claim 11**, *the method of* ***claim 5****, further comprising the step of creating a table of contents for the downloadable unit bundle.*

Czarnik teaches, the sentry waits for a mission request, maintains a table of the missions which it is currently executing, validates the requests, and notifies the mission server (Col. 10, lines 28-31).

15. As to **claim 12**, *the method of* ***claim 5,*** *wherein the step of embedding the downloadable unit includes embedding the downloadable unit bundle into the binary file.*

Czarnik teaches, In embodiments which include the Client 110 receiving Java applets, the applets may be used to format and report data, (Col. 9, lines 37-39).

16. As to **claim 13**, *a system for managing a network device from a remote client, comprising: a binary file of a software program stored in the network device;*

Madison teaches, clicking on a box 199 has the effect of connecting or isolating a personal computer via messages that are then sent from the client device to the server device, and from the server device to the controlled device, (Col. 6, lines 40-44).

a downloadable unit embedded in the software program binary file,for managing of the network

device;

the downloadable unit including:

a communicator component for establishing a communications channel between the remote client and the software program (user interface application 32) , (Col.3, lines 37-52)

an interface component for enabling a user to communicate with the downloadable unit (Web browser 30),(Col.3, lines 37-52), *and*

a configuration component for managing and configuring the remote device or the software program (Col. 4, lines 32-58) ;

The above limitations are the system associated with managing a network device and therefore are rejected as on the same grounds as **claim 1**.

a web server for communicating with the remote client and transmitting the embedded downloadable unit to the remote client.

Czarnik teaches, once a connection with the server is made, the server supplies the mission definition software to the connected Client, (Col. 6, lines 54-56).

As to **claim 14** it is the system of **claim 10**, therefore it is rejected as **claim 10** above.

As to **claim 15**, it is a system of **claim 13,** therefore it is rejected on the **claim 13** above.

As to **claim 16,** it is the system of **claim 13**, therefore it is rejected on the **claim 13** above.

As to **claim 17,** it is the system of **claim 13,** therefore it is rejected on the **claim 13** above.

As to **claim 18,** it is the system of **claim 5,** therefore it is rejected on the **claim 5** above.

As to **claim 19,** the system of claim 18, wherein the downloadable units have been combined into downloadable unit bundles according to downloadable unit function.

claim 19 it is the system of **claim 6,** and therefore it is rejected on the **claim 6** above.

As to **claim 20**, the system of claim 18, wherein the downloadable units have been combined into downloadable unit bundles according to version information.

claim 20 it is the system of **claim 7** and therefore it is rejected on the **claim 7** above.

As to **claim 21,** the system of claim 13, wherein the software program includes an operating system.

claim 21 the system of **claim 9** and therefore it is rejected on the **claim 9**.

As to **claim 22**, the system of claim 21, wherein the network device includes a router.

claim 22 the system of **claim 10** and therefore it is rejected on the **claim 10.**

17. As to **claims 23**, the system of **claim 13**, *wherein the web server communicates with the remote client using a file transfer protocol.*

Madison-Czarnik do not explicitly teach FTP. *Official Notice* (see MPEP § 2144.03 Reliance on "Well Known Prior Art")*)* is taken that FTP was old and well known in the Data Processing art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to include FTP into Madison-Czarnik system because it is commonly used for copying files to and from remote computer systems on networks.

(See Ref A, page 210).

18. As to **claim 24,** *the system of* ***claim 13****, wherein the web server communicates with the remote client using an internet protocol.*

Madison teaches, all messages are sent via internet protocol (IP) (col. 3, lines 51-52).

19. As to **claims 25,** *the system of* ***claim 13,*** *wherein the software program includes an extractor for extracting the embedded downloadable unit.*

Czarnik teaches, Complex network analysis missions are performed by performing operations at different sentries and gathering the resulting data, (col. 4, lines 37-39).

As to **claim 26**, it is the system of **claim 13**, therefore it is rejected on the **claim 13** above.

As to **claim 27**, it is the means of managing a network device of **claim 1,** therefore it is rejected on the **claim 1** above.

As to **claim 28**, it is the means of **claim 2**, therefore it is rejected on the **claim 2** above.

As to **claim 29,** it is the means of **claim 3**, therefore it is rejected on the **claim 3** above

As to **claim 30,** it is the means of **claim 4,** therefore it is rejected on the **claim 4** above.

As to **claim 31**, the system of claim 30, wherein the means for embedding more than one downloadable unit includes means for bundling the more than one downloadable unit into downloadable unit bundles.

claim 31 it is the system of **claim 5**, therefore it is rejected on the **claim 5** above.

As to **claim 32**, it is the means of **claim 9**, therefore it is rejected on the **claim 9** above.

As to **claim 32**, it is the means of **claim 9**, therefore it is rejected on the **claim 9** above.

As to **claim 33**, it is substantially the same as **claim 14**, thus it is rejected for reasons similar to those in rejecting **claim 10**.

18. As to **claim 34,** *the system of **claim 27**, wherein the means for establishing a communications link includes means for using a URL.*

Czarnik teaches, a client need only store or be capable of looking up the URL for the mission server, (Col. 6, lines 49-50).

As to **claim 35**, it is the system of **claim 24**, therefore it is rejected on the **claim 24** above.

As to **claim 36**, it is the means of **claim 23**, therefore is rejected as **claim 23** above.

As to **claim 37**, *the system of **claim 27**,* therefore it is rejected on the **claim 27** above.

19. As to **claim 38,** *the system of **claim 27**, wherein the means for running the downloadable unit*

includes a Java Virtual machine (JVM).

Czarnik teaches, a typical system includes the following set of interrelated technologies: a language specification; a compiler for Java language that produces bytecodes from an abstract, stack-oriented machine; a virtual machine (VMS) program that interprets the bytecodes at runtime; (Col. 5, lines 57-61). Czarnik teaches, the virtual machine, which is actually a specification of an abstract machine for which a Java language compiler generates bytecode, (col. 6, lines 13-15).

20. As to **claim 39,** the *system of **claim 27**, wherein the means for running the downloadable unit on the remote machine includes an ActiveX capable browser.*

Madison-Czarnik do not explicitly teach ActiveX control capable browsers. *Official Notice* (see MPEP § 2144.03 Reliance on "Well Known Prior Art") is taken that ActiveX capable browser was old and well known in the Data Processing art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to include ActiveX capable browser into Madison-Czarnik system because it provides interactive web pages, animation or pup-up to web pages (see Ref A, page 505).

21. As to **claim 40,** a *method comprising the steps of:*

receiving a request to manage a software program having a binary file from a remote client;

Czarnik teaches, Client 110 connects to mission server and downloads information needed to select

a mission , (col.9, lines 24-25)

locating downloadable unit which corresponds to the request and is embedded in the binary file;

Madison teaches, after receiving the resource information web browser 30 then requests the code for a user interface application 32, and web server 44 accesses the code stored on its local disk and sends it to web browser, (Col. 4, lines 48-51)

extracting the downloadable unit from the binary file;

Czarnik teaches, Client 110 formats the data and reports it to the user. In embodiments which include the Client 110 receiving Java applets, the applets may be used to format and report the data, (col.9, lines 36-39).

and forwarding the downloadable unit to the remote client.

Czarnik teaches, when a request is received, a step 406 transfers control to step 408, where the mission server determines the content of the request. If the server has the needed information to fulfill the request, then a step 410 transfers control to a step 412, the mission server responds to the request, (col 9, lines 43-48).

As to claim **41**, it is the means of claim **40**, therefore it is rejected on the **claim 40** above.

claim 42 it is the storage medium of **claim 40**, therefore it is rejected on the **claim 40** above.

As to **claim 43**, *a system comprising*:

a web server for *receiving from a remote client a request to manage a software program which has a binary file with an embedded downloadable unit for performing the request;*(See Madison Col. 4, lines 32-39)

The downloadable unit comprising a communicator component for establishing a communications channel between the remote client and the software program (user interface application 32) , *an interface component for enabling a user to communicate with the downloadable unit* (Web browser 30),(See Madison Col.3, lines 37-52), *and a configuration component for managing and configuring the remote device or the software program;* (Madison Col. 4, lines 32-58) *extracting the downloadable unit from the binary file;*(See Czarnik, Col. 9, lines 36-39) *and forwarding the downloadable unit to remove the remote client.* (See Czarnik, Col. 9, lines 43-48).

22. As to **claim 44**, *a method for modifying available remote device management services, comprising the steps of:*

obtaining a new downloadable unit for performing a new service;

Madison teaches, the first type of user action, described on FIG.9, has the effect of terminating the current user interface application 32 and associated data stream application 48 and replacing them with a new user interface application 32 and new associated data stream application 48. (Col. 6, lines 64- col.7, line 1).

the new downloadable unit comprising a communicator component for establishing a communications channel between the remote client and the software program (user interface application 32), *an interface component for enabling a user to communicate with the downloadable unit* (Web browser 30),(See Madison Col.3, lines 37-52), *and a configuration component for managing and configuring the remote device or the software program* (Madison Col. 4, lines 32-58);

retrieving a software program binary file having an embedded old downloadable unit for performing an old service from a network device;

Madison teaches, FIGS. 5-8 and 12 show other types of windows that can be accessed depending on the particular user interface application 32 and the resource information.

substituting the old downloadable unit for the new downloadable unit;

Czarnik teaches, server 120 includes a processor and memory which keeps track of which sentries are available to it and what possible mission may be carried out by those sentries (col.4, lines 16-18).

and *loading the software program binary file having the new downloadable unit onto the network device.*

Madison teaches, FIG. 4 button 68.

23. As to **claim 45**, *the system of **claim 13**, wherein the software program includes a list of available functions.*

Madison teaches, FIG. 4, labels 64, 66, 68, 70 and 71.

24. As to **claim 46**, *the system of **claim 45**, further comprising a downloadable unit for each of the available functions.*

As to **claim 46**, it is the system of **claim 45**, therefore it is rejected on the **claim 45** above.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,857,102

McChesney et al. teaches a system and method for determining and manipulating configuration information of servers in a distributed object environment.

U.S. Patent No. 5,715,394

Jabs teaches method of supporting the management of a communications network.

U.S. Patent No. 5,680,461

McManis teaches, a flexible system and method for implementing security protocol that

avoids the need for all network users to have firewall programs.

U.S. Patent No. 5,838,916

Domenikos et al. Teaches a system and method for executing application programs from a memory device linked to a server.

Related references cited:

Ref A: ***Newton's Telecom Dictionary, Binary File Transfer: page 96-97***

Any inquiries concerning this communication or earlier communications from the examiner should be directed to M. Moezzi whose telephone number is (703) 306-5537. The examiner can normally be reached Monday through Friday from 7:30 to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Mr. Ahmad Matar, can be reached at (703) 305-4731.

Any inquiry of general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9605.

ZARNI MAUNG
PRIMARY EXAMINER